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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,515	02/13/2002	Yukio Kominami	2550-000002	8927

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[REDACTED] EXAMINER

HERNANDEZ, OLGA

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/075,515	KOMINAMI ET AL.
	Examiner	Art Unit
	Olga Hernandez	3661

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 February 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7,10 and 15-43 is/are rejected.
- 7) Claim(s) 8,9 and 11-14 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 10, 15, 16, 17, 19, 22, 23, 25, 26, 29, 31, 35, 38-43 are rejected under 35 U.S.C. 102(e) as being anticipated by DeLorme et al (6,321,158).

As per claims 1, 15, 19, 29, 31, 35, 38 and 42, Delorme discloses:

- an electronic control unit including a microcontroller and an electronic control unit memory, the electronic control unit controlling accessory devices ;
- a data controller in communication with the microcontroller and adapted to receive user preference data; and
- a PDA including a PDA processor, a PDA memory, and transceiver in electrical communication, the PDA managing the user preference data, and the transceiver adapted to transmit the user preference data from the PDA to the data controller;
- wherein the preference data is transmitted from the PDA to the electronic control unit via the data controller, the microcontroller controlling the

accessory devices according to the user preference data (figures 1a1-1a6-16).

Further, it has been held that the recitation that an element is "**adapted to**" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

As per claims 5, 10, 16, 22, 23 and 25, it has been held that the recitation that an element is "**adapted to**" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

As per claims 2, 26, 39 and 40, DeLorme discloses the PDA transmitting the user preference data to the data controller by infrared transmission (figure 1a1).

As per claims 3 and 41, DeLorme discloses transmitting the user preference data to the data controller by infrared transmission (figure 1a3).

As per claims 17 and 43, DeLorme discloses the use of the Internet in column 7, line 4 and column 8, line 26.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 6, 18, 20, 27, 30, 32, 33, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al (6,321,158).

As per claim 6, it would have been obvious to one of ordinary skill in the art to have an encoder/decoder in order to have a successful communication.

As per claims 18 and 30, it would have been obvious to one of ordinary skill in the art to update the code of any system in order to work properly.

As per claims 20, 27 and 36, it would have been obvious to one of ordinary skill in the art to use an ID that is old and well known in the art to execute an algorithm to execute any command.

As per claims 32-34, it would have been obvious to combine the identification of some data to execute an algorithm as a regular database does with DeLorme's invention in order to provide better service to the users.

5. Claims 4, 7, 21, 24 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al (6,321,158) in view of Berry (6,559,773).

As per claims 4, 7, 21, 24 and 37, DeLorme does not teach the settings for vehicle accessory devices. However, Berry teaches that in columns 3 and 4. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned references in order to provider better service for the users.

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Allowable Subject Matter

6. Claims 8, 9, 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



July 8, 2003

Olga Hernandez
Examiner
Art Unit 3661



WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
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